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Attorneys for The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP,

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**DECLARATION OF BRENT O.
HATCH REGARDING THE
EXHIBITS TO SCO'S
MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT ON IBM'S SECOND,
THIRD, FOURTH, AND FIFTH
COUNTERCLAIMS**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

I, Brent O. Hatch, declare:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.

2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for Plaintiff, The SCO Group, Inc., in the pending action.

3. Attached to SCO's Memorandum in Support of Motion for Summary Judgment on IBM's Second, Third, Fourth and Fifth Counterclaims ("SCO's Memo in Support of SJ-Counterclaims") and filed therewith as Exhibit A is a true and correct copy of Expert Report of Dr. Evan Ivie, dated 5/19/06.

4. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit B is a true and correct copy of the Expert Report of Dr. Evan Ivie, dated 8/28/06.

5. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit C is a true and correct copy of the Declaration of Dr. Evan Ivie.

6. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit D is a true and correct copy of Expert Report of Marc Rochkind, dated 5/19/06.

7. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit E is a true and correct copy of the Expert Report of Marc Rochkind, dated 8/28/06.

8. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit F is a true and correct copy of the Declaration of Marc Rochkind..

9. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit G is a true and correct copy Expert Report of Dr. Thomas Cargill, dated 5/19/06.

10. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit H is a true and correct copy of the Expert Report of Dr. Thomas Cargill, dated 7/17/06.

11. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit I is a true and correct copy of Expert Report of Dr. Thomas Cargill, dated 7/17/06.

12. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit J is a true and correct copy of Declaration of Dr. Thomas Cargill.

13. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit K is a true and correct copy of McMillan, \$1 Billion Well Spent?.

14. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit L is a true and correct copy of IBM Linux GM: Enterprises beyond TCO questions with Linux.

15. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit M is a true and correct copy Open-source leader: SCO suits a boon to Linux.

16. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit N is a true and correct copy of How SCO's Threats Rallied Linux.

17. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit O is a true and correct copy of Deposition of Daniel Frye, Vol. II, page 378, dated 11/18/05.

18. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit P is a true and correct copy of Expert Report of J. R. Kearl, pages 7-9, 11, dated 5/19/06.

19. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit Q is a true and correct copy of Declaration of Jim Wilt, dated 11/23/04.

20. Attached to SCO's Memo in Support of SJ-Counterclaims and filed therewith as Exhibit Q is a true and correct copy of Declaration of Steve Sabbath, dated 11/19/04.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 25th day of September, 2006.

HATCH, JAMES & DODGE, P.C.

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Mark F. James

BOIES, SCHILLER & FLEXNER LLP

Robert Silver

Stuart H. Singer

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Edward Normand

By:



Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, I caused to be served a true and correct copy of the foregoing by CM/ECF or by U.S. Mail, postage prepaid, to the following:

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